



TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

Attachment A **Tier I (Small Projects)** **Checklist**

Incorporation of BMPs into a proposed project will allow an individual Section 404 permit application to proceed without further review by Texas Natural Resource Conservation Commission (TNRCC). The basic standards for the BMPs described in items I-III are included in this packet. Tier I projects are those which will result in a direct impact of three acres or less of waters in the state or 1500 linear feet of streams. If a project has a combination of impacts that exceed the threshold or is submitted after the fact, it does not qualify as a Tier I project (one acre of impact is considered equal to 500 linear feet of stream).

The provisions of the checklist, including BMPs selected by an applicant, will become part of the Section 404 permit. If an applicant fails to implement these provisions and BMPs, the permit is subject to enforcement. Applicants who do not wish to incorporate all the provisions of the checklist into their project or desire to use alternatives may seek individual 401 review and certification from the TNRCC.

I. Erosion Control

Disturbed areas must be stabilized to prevent the introduction of sediment to adjacent wetlands or water bodies during wet weather conditions (erosion). *At least one* of the following best management practices (BMPs) must be maintained and remain in place until the area has been stabilized. Please check the BMP(s) you will incorporate into your project.

- ☐ Temporary Vegetation
- ☐ Blankets/Matting
- ☐ Mulch
- ☐ Sod

II. Post-Construction TSS Control

After construction has been completed and the site is stabilized, total suspended solids (TSS) loadings shall be controlled by *at least one* of the following BMPs. Please check the BMP(s) you will incorporate into your project.

- ☐ Retention/Irrigation
- ☐ Extended Detention Basin
- ☐ Vegetative Filter Strips
- ☐ Constructed Wetlands

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- ☐ Wet Basins

III. Sedimentation Control

Prior to project initiation, the project area must be isolated from adjacent wetlands and water bodies by the use of BMPs to confine sediment. *At least one* of the following BMPs must be maintained and remain in place until project completion. Please check the BMP(s) you will incorporate into your project.

- ☐ Sand Bag Berm
- ☐ Silt Fence
- ☐ Triangular Filter Dike
- ☐ Rock Berm
- ☐ Hay Bale Dike

Dredged material shall be placed in such a manner that prevents sediment runoff into water in the state, including wetlands. Water bodies can be isolated by the use of one or more of the required BMPs identified for sedimentation control. These BMPs must be maintained and remain in place until the dredged material is stabilized.

Hydraulically dredged material shall be disposed of in contained disposal areas. Effluent from contained disposal areas shall not exceed a TSS concentration of 300 mg/L.

IV. Contaminated Dredge Material

If contaminated dredge material that was not anticipated or provided for in the permit application is encountered during dredging, operations shall cease immediately. Pursuant to § 26.039 (b) of the Texas Water Code, the individual operating or responsible for the dredging operations shall notify the commission's emergency response team at (512)463-7727 as soon as possible, and not later than 24 hours after the discovery of the material. The applicant shall also notify the Corps that activities have been temporarily halted. Contaminated dredge material shall be remediated or disposed of in accordance with TNRCC rules. Dredging activities shall not be resumed until authorized in writing by the Commission.

"Contaminated dredge material" is defined as dredge material which has been chemically, physically, or biologically altered by man-made or man-induced contaminants which include, but are not limited to "solid waste", "hazardous waste" and "hazardous waste constituent" as those terms are defined by 30 TAC Chapter 335, "Pollutants" as defined by Texas Water Code § 26.001 and "Hazardous Substances" as defined in the Texas Health and Safety Code, §361.003.

V. Wetland Mitigation Requirements

Where wetland mitigation is determined to be necessary by the U.S. Army Corps of Engineers (Corps), the applicant must satisfy the minimum success criteria established by the Corps including wetland

hydrology, hydrophytic vegetation and two years of monitoring. If that criteria includes less than two years of monitoring, the applicant may request water quality certification under Section 401.

VI. Coastal Zone Management Act

In accordance with 31 TAC §506, all projects located in the coastal zone boundary shall be consistent with the Texas Coastal Management Program.

Applicant should sign and return the statement and completed checklist to the U.S. Army Corps of Engineers and the TNRCC. Questions regarding the checklist should be directed to the TNRCC.

Regulatory Branch (CESWF-EV-R)
U. S. Army Corps of Engineers
P. O. Box 17300
Fort Worth, Texas 76102-0300
(817)978-3990
Fax (817)978-7545

Water Quality Assessment Section - 401 Coordinator
Texas Natural Resource Conservation Commission
MC-150
P.O. Box 13087
Austin, Texas 78711
(512)239-4422
Fax (512)239-4420

Applicant's Name (please print): _____

Corps Project Manager or Regulatory Specialist (if known):

Permit Application Number (if known): _____

I will incorporate all of the above requirements and selected BMPs (Items I, II and III) into my proposed project. I understand that these requirements and BMPs as described above will be part of my Section 404 permit, and failure to implement any of them will constitute a permit violation.

Date: _____

Applicant Signature: _____

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